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**UNITED STATES COURT
DISTRICT OF NEVADA**

KATHRYN A. NIEMEYER, individually and
As the Representative of the Estate of
ANTHONY NIEMEYER, MARK NIEMEYER,
JESSICA NIEMEYER, and
REBECCA NIEMEYER,

Plaintiffs,

VS.

FORD MOTOR COMPANY, a Delaware
Corporation; THE HERTZ CORPORATION, a
Delaware Corporation; HERTZ RENT-A-CAR, a
Corporation.

Defendants.

CASE NO. 09-cv-2091-JCM-PAL

ORDER
DENYING DEFENDANT FORD
MOTOR COMPANY'S MOTION
FOR SUMMARY JUDGMENT
AND MOTION FOR SPOILIATION
SANCTIONS AND DEFENDANT
THE HERTZ CORPORATION'S
MOTION TO DISMISS

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ORDER

Presently before the court are defendant Ford Motor Company's motion for summary judgment (Doc. #59), defendant Ford Motor Company's motion for spoliation sanctions (Doc. #60) and defendant The Hertz Corporation's motion to dismiss (Doc. # 61).

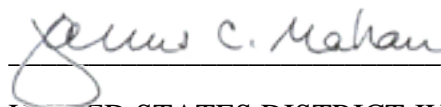
The court conducted a hearing on August 24, 2011. Bradley Kuhlman and Ralph Rohay appeared in person on behalf of the plaintiffs. Jay Schuttert and Joshua Cools appeared on behalf of defendant Ford Motor Company. Ralph Emerson appeared on behalf of defendant The Hertz Corporation.

Having reviewed and considered the matter,

IT IS SO ORDERED that:

1. Defendant Ford Motor Company's motion for summary judgment is **DENIED**.
2. Defendant Ford Motor Company's motion for spoliation sanctions is **DENIED**, without prejudice.
3. Defendant The Hertz Corporation's motion to dismiss is **DENIED**.

DATED this 26 day of September, 2011.


UNITED STATES DISTRICT JUDGE

Respectfully submitted,

/s/ Chad C. Lucas

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **PLAINTIFFS' PROPOSED ORDER DENYING DEFENDANT FORD MOTOR COMPANY'S MOTION FOR SUMMARY JUDGMENT AND MOTION FOR SPOILIATION SANCTIONS, AND DEFENDANT THE HERTZ CORPORATION'S MOTION TO DISMISS** by electronic service (via Case Management/Electronic Case Filing) to the following:

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11
12 DATED this 15th Day of September, 2011. /s/ Chad C. Lucas
13 **Attorneys for Plaintiffs**

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